

**STATE OF ARIZONA**  
**CITIZENS CLEAN ELECTIONS COMMISSION**

MURs: No. 04-0069 and No. 04-0070

**RECOMMENDATION OF EXTERNAL INVESTIGATIVE CONSULTANT**

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On behalf of the Citizens Clean Elections Commission ("Commission"), the External Investigative Consultant hereby provides his recommendation that MURs. No. 04-0069 and No. 04-0070 be dismissed.

**I. Procedural Background**

On April 8, 2005, Patrick Meyers ("Complainant") filed complaints against Kyrsten Sinema (MUR. No. 04-0069) and David Lujan (MUR No. 04-0070) (Sinema and Lujan are hereinafter called "Respondents"), alleging numerous violations of the Act by Respondents. On August 25, 2005, the Commission received, considered and approved the Statements of Reasons of the External Investigative Consultant which recommended that the Commission find reason to believe violations of the Act or Commission rules had occurred as some of the allegations of Complainant suggested.

Thereafter, in accordance with A.R.S. Sec. 16-957(A) and A.A.C. R2-20-208(A), the Respondents were given notice of the Commission's findings and asked to provide an explanation to the Commission. On September 1, 2005, the External Investigative Consultant met with Respondents and their campaign consultant, Mr. Chad Campbell, and received the explanations.

**II. Alleged Violations**

Complainant alleged that the Respondents conducted a coordinated campaign. He identified certain expenditures that appeared on Respondent Lujan's Pre-General Campaign Finance Report but did not appear on the Pre-General Campaign Finance Report of Respondent Sinema, being listed on the Post-General Campaign Finance Report, instead. In addition, Complainant alleges that Respondent Lujan reported certain expenditures after the date of the General Election that were incurred prior to the General Election.

The actual facts of Respondents' spending and reporting, for two specific mailings are found to be as follows:

*\$3,785.22 spent by each for mailing costs of General Election Mailer #1*

9/24/04 Check written by Lujan, given to Campbell, reported same day

9/30/04 Check written by Sinema, given to Campbell, reported same day

9/28/04 Beginning of Pre-General Reporting Period

9/30/04 Both checks delivered to Market Builder by Campbell

*\$2,441.98 spent by each for printing general election mailers #1 and #2*

10/13/04 Check written by Lujan, given to Campbell, reported same day

10/18/04 Check written by Sinema, given to Campbell, reported same day

10/15/04 Beginning of Post General Reporting Period

10/19/04 Both checks delivered to Panoramic Press by Campbell

The other similarly questioned expenditures fit the same pattern.

In each of the instances detailed above, the campaign consultant described to the printer what the campaigns wanted to do and obtained a price quote from the printer. He then described the project and its cost to the candidates, and obtained from each a check for their share of the cost. He then went back to the printer, paid in advance for the work and made the contract. So, as the campaign consultant collected the checks for delivery to the vendors, calling first on Lujan and then on Sinema, one campaign reporting period ended and another began. For both candidates, they paid for their campaigns' mailers printing and mailing prior in advance of actually making the contracts for the goods and services, and reported the expenditures on the dates the checks were written.

On October 28, 2004, just prior to the date of the General Election, the Respondents were recipients of matching funds from the Commission amounting to \$6,750.00 each. With so little time, the candidates decided that the most effective way to spend the money was on auto-calling, walkers and web ads. That spending was as timely reported as was possible in the circumstances, and made use of existing campaign resources but extended the applications from magazine advertising to web advertising.

### **III. Recommendation**

As External Investigative Consultant, I am satisfied with the explanations provided by the Respondents within the time period specified for their explanation or compliance or entry into a settlement. Accordingly, I recommend to the Commission that the Matters be dismissed.

Dated this 2<sup>nd</sup> day of September, 2005

By: 

L. Gene Lemon, External Investigative Consultant